

**State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA**

Government Code § 11126 (a), (c)(3), and (e)

**for
Wednesday, March 7, 2007
10:00 a.m.**

**Sacramento, California
&
West Covina, California
&
Indian Wells, California**

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: February 23, 2007

RE: Closed Session of the Board on March 7, 2007

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. NICHOLAS TURKEY BREEDING FARMS, 04-R1D5-595 AND 596

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. A-1 INTERNATIONAL, INC., 06-R4D2-960 THROUGH 963
2. AAA STAMPING, INC., 05-R6D2-1494 THROUGH 1499

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3. AJM FRAMERS, INC., 06-R2D1-3071
4. ALERT INSULATION CO., 04-R4D4-4107 AND 4108
5. ALL SEASONS FRAMING, 06-R3D3-2255
6. AMERICOLD LOGISTICS, INC., 06-R3D7-4809 THROUGH 4811
7. ANDERSON UNION HIGH SCHOOL, 06-R2D3-3091
8. ANGELICA TEXTILE SERVICES, 04-R2D2-4327 AND 4328
9. ANVIL STEEL, 06-R4D2-606
10. AUTO ZONE DISTRIBUTION CENTER, 06-R3D3-2256
11. BARRETT BUSINESS SERVICES INC., 04-R3D5-3589
12. BERSHTEL ENTERPRISES, LLC dba WE PACK IT ALL, 06-R4D4-2877 THROUGH 2880
13. BERSHTEL ENTERPRISES, LLC dba WE PACK IT ALL, 06-R4D4-2881 THROUGH 2883
14. BIG G CONSTRUCTION, INC., 06-R4D2-3225
15. BLUE DIAMOND MATERIALS, 02-R4D1-3172 AND 3173
16. BRUSH RESEARCH MANUFACTURING COMPANY, INC., 06-R4D4-2894 AND 2895
17. C & T METAL SUPPLY COMPANY, 06-R4D2-2057 AND 2058
18. CA, DHS,DCDC, VIRAL & RICKETTSIAL DISEASE LAB, 06-R2D2-4219
19. CA CORRECTIONS, 03-R2D5-3501 THROUGH 3504
20. CA TRANSPORTATION (CALTRANS), 04-R4D1-1880 AND 1881
21. CARPENTER COMPANY, 06-R3D3-4272 THROUGH 4275
22. CEDAR FAIR, LP dba KNOTT'S BERRY FARM, 06-R3D1-4413
23. CLARY ROOFING INC., 04-R3D3-841

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24. CLASSIC TENTS, 06-R3D5-4785 THROUGH 4787
25. COLIN B. ARNOLD, M. D., dba SIERRA EYE CARE, 05-R2D1-1160 THROUGH 1163
26. COMMERCIAL LUMBER & PALLET, 06-R4D4-2363
27. COMPTON STEEL COMPANY, INC., dba ALL PRO WELDING COMPANY, 06-R4D4-2627 AND 2628
28. CONTINENTAL MARITIME, 06-R6D2-3973 THROUGH 3975
29. CUSTOM ALLOY, 06-R4D4-2902
30. DDCM INCORPORATED, 06-R4D2-607 THROUGH 609
31. DIABLO TIMBER, 04-R1D5-943 THROUGH 945
32. ELECTRONICS BOUTIQUE, 06-R4D3-3239 AND 3240
33. ELEVEN WESTERN BUILDERS, INC., 04-R4D4-3976 THROUGH 3979
34. ELSINORE VALLEY MUNICIPAL WATER DISTRICT, 06-R3D7-2298 THROUGH 2302
35. ENGEL HOLDINGS, INC. dba CABRILLO HOIST, 05-R2D5-016
36. ERNIE'S MEXICAN RESTAURANT, 06-R4D3-3783
37. FADEL BROTHERS INC. dba VALLEY MARKET #4, 06-R3D3-2258 AND 2259
38. FIRST QUALITY PAINTING, INC., 06-R3D3-2783
39. FRANK'S ROOTER & PLUMBING SERVICE, 06-R4D3-2866 AND 2867
40. FRENCH VALLEY AVIATION, INC., 06-R3D3-2260
41. FRESNO CITY AIRPORT PUBLIC SAFETY DEPT., 04-R2D5-3650 THROUGH 3655
42. GALTA'S FLOORING DEPOT, INC., 04-R2D2-4386
43. GEORGIA-PACIFI RESINS, INC., 05-R2D1-4380 AND 4381
44. CITY OF GLENDALE, INTEGRATED WAST MANAGEMENT, 06-R4D2-836

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45. GLENDALE KIA, 06-R4D2-333 THROUGH 335
46. GLEN RAGSDALE UA, INC., 06-R5D1-2383
47. HMS HOST dba ANTON AIRFOOD INC, 06-R3D3-4765 AND 4766
48. JIM HAGERTY dba MARIAH MOTORSPORTS, 06-R6D2-4549 THROUGH 4552
49. HUFF CONSTRUCTION CO., INC., 06-R2D4-1809 AND 1810
50. IM CONSTRUCTION, INC., 05-R2D1-192
51. IM CONSTRUCTION, INC., 05-R2D1-1180
52. IMPORT STONE, INC., 06-R1D2-1737
53. INTER PLAN WEST CONSTRUCTION, 04-R4D2-4085
54. IRVINE PIPELINE COMPANY, INC., 06-R3D3-2769 AND 2770
55. JACK'S CARWASH, 06-R2D5-2470
56. KOHL BUILDING MAINTENANCE, INC., 06-R4D1-2831
57. L.A. CITY DWP, 06-R3D5-3176
58. LISI AEROSPACE/THE MONADNOCK CO., 06-R4D4-2903 THROUGH 2905
59. LOUIS DANFORTH FARM LABOR, 06-R2D4-3112
60. LOWE'S, 06-R3D5-4788
61. MBL GOLF COURSE LLC, 05-R4D3-3514 AND 3515
62. MCM CONSTRUCTION, INC., 06-R1D5-3702
63. MARTIN ROOFING, 06-R3D2-3144
64. METALITE MANUFACTURING, 06-R4D3-3455
65. MILLER CASTING, INC., 06-R4D4-1471 AND 1472
66. NISSEN CO, 06-R6D2-2951 THROUGH 2956, 07-R6D2-0355
67. NOR-CAL STUCCO & DRYWALL SYSTEM, INC., 06-R2D5-3126 THROUGH 3126

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68. OAK PAPER PRODUCTS dba ACORN PAPER PRODUCTS, 06-R4D2-1322
69. OFF STREET CAFÉ, 06-R3D5-2611 AND 2612
70. OTAY WATER DISTRICT, 04-R3D2-3119 THROUGH 3121
71. OVERSEAS CAMPUS MAGAZINE, 06-R3D5-2273 AND 2274
72. PPI INDUSTRIAL CORPORATION dba PREFERRED PACKAGING, INC., 06-R6D2-1512 THROUGH 2517
73. PV FRAMING, 06-R4D3-2858 AND 2859
74. PACTIV CORPORATION, 04-R4D4-4449 THROUGH 4452
75. PAMPANGA FOOD COMPANY, INC., 06-R6D2-3963 THROUGH 3967
76. PETERSEN-DEAN, INC. dba PETERSEN-DEAN ROOFING SYSTEMS, 06-R4D3-4434 THROUGH 4436
77. PIONEER CONTRACTORS, INC., 05-R1D1-599
78. PRECISION AUTO CARE, 04-R2D1-4157
79. PRICE BROTHERS CONCRETE, 04-R3D2-3124 AND 3125
80. QUALITY CONCRETE CONSTRUCTION CO., 06-R3D5-3182 THROUGH 3185
81. QUALITY CRAFT CABINETS, INC., 06-R6D2-360 THROUGH 366
82. RMA LAND CONSTRUCTION, 06-R3D1-2584, 06-R3D1-3628
83. RIVER ROAD DEVELOPMENT LLC dba RIVER AUTO WASH & GAS, 05-R3D3-4128 THROUGH 4131
84. ROB VAN GROUW DAIRY, 06-R2D5-3129 THROUGH 3131
85. ROWLAND UNIFIED SCHOOL DISTRICT, 06-R4D4-2901
86. SHAHAB ZARBAKSH dba PAGE CONSTRUCTION (PAGE CONSTRUCTION dba SHAHAB ZARBAKSH, 04-R4D4-4308 THROUGH 4310
87. SPECIAL CONSTRUCTION, 05-R4D3-3022
88. SPIN PRODUCTS, INC., 06-R3D3-2249 AND 2250

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89. SUNRISE PRODUCE COMPANY, 06-R4D4-2369 THROUGH 2371
90. SYSCO FOOD SERVICES OF SAN DIEGO, 06-R3D7-4286
91. TWR ENTERPRISES, INC., 04-R3D3-3333
92. THE LYNCH CORP, dba PACIFIC GLASS CO., 06-R4D4-1671
93. TIMEC COMPANY, INC., 06-R3D7-2616
94. TOLAR MANUFACTURING, 04-R3D7-2732 AND 2733
95. TRI VALLEY ROOFING, INC., 06-R4D3-2357
96. VALLEY STAFFING SERVICES, 04-R2D5-1430
97. VERDUGO CONCRETE SPECIALIST, 05-R3D2-1928
98. WAHLUND CONSTRUCTION, INC., 06-R2D3-3100 THROUGH 3103
99. WOODLAND PARK MOBILE ESTATES, 02-R4D4-5162 AND 5163, 04-R4D4-4453
100. YUBA COUNTY OFFICE OF EDUCATION, 05-R2D3-4086

ORDER DENYING LEAVE TO FILE LATE APPEAL:

1. CENTRAL FREIGHT LINES, INC., 07-R2D1-9018 THROUGH 9021

ORDERS DISMISSING APPEALS:

(Written order issued by an Administrative Law Judge disposing of an Employer appeal.)

1. CUSTOM PROFESSIONAL ROOFING, 05-R1D4-1070
2. LIVERMORE COLLISION CENTER, INC., 03-R1D4-208
3. SELECT PERSONNEL SERVICE, 05-R3D3-2753

PETITIONS FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

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1. ADMIRAL TRANSPORTATION, 05-R4D4-2144 THROUGH 2150
2. BETTS SPRING COMPANY, 05-R6D1-407 THROUGH 421
3. SAFEWAY #951, 04-R1D4-1410
4. CHERYL & ERNIE STREHLOW dba EMBROIDME, 07-R2D1-9009 THROUGH 9011

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. NICOLAS DEL VILLAR, 06-R3D3-9254 AND 9255
2. KEVIN R. FUSON CONSTRUCTION, 03-R4D5-2083
3. PRIMARY STEEL, 04-R4D4-4105

DECISIONS AFTER RECONSIDERATION (DRAFTS):

(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)

1. AC FRAMERS INC., 03-R2D3-3475
2. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
3. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
4. BLUE DIAMOND MATERIALS, 02-R5D2-1268
5. BRYDENCOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
6. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
7. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
8. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
9. COX COMMUNICATIONS, 03-R3D2-1942
10. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
11. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261

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12. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
13. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
14. GLASS PAK, 03-R2D2-0750 AND 0751
15. HARRIS CONSTRUCTION COMPANY, INC., 03-R2D5-3914
16. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
17. HELPMATES STAFFING SERVICES, 05-R3D3-2239
18. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619
19. HUSSMAN CORPORATION, 03-R3D1-2939
20. ILH CONSTRUCTION, 02-R1D1-4172
21. IRBY CONSTRUCTION, 03-R3D3-2728
22. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
23. JOHN LAING HOMES, 04-R3D1-194 AND 195
24. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
25. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
26. KNOTT'S BERRY FARM, 01-R3D1-4331 & 4332
27. LONG BEACH CITY COLLEGE, 03-R3D5-2747
28. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
29. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
30. McDONALDS #10660, 03-R1D3-4116 & 4117
31. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
32. NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202
33. O& M INDUSTRIES, 04-R1D5-1597
34. PMR RACE CARS, 03-R3D3-1825

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35. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
36. RII PLASTERING INC., 02-R3D1-2679
37. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656
38. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
39. STACY & WITBECK INC., 05-R1D1-1142
40. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
41. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
42. TRIO METAL, 03-R4D4-0317
43. WESTERN DOOR, 01-R3D1-2827
44. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 3018

PENDING LITIGATION

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

1. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
2. BLF FRAMING, INC., 04CS01618 (02-1837/38)
3. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)

APPELLATE COURT:

1. C. OVERAA & CO., CO51245 (04CS00570) 01-3560

OTHER LEGAL MATTERS

(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)

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PERSONNEL *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.